

FAX TRANSMISSION

DATE: November 5, 2008

PTO IDENTIFIER: Application Number 09/938,533—Confirmation No.: 2799
Patent Number 7,226,406

Inventor: Muller *et al.*

MESSAGE TO: US Patent and Trademark Office – Office of Petitions

FAX NUMBER: (571) 273-0025

FROM: CONNOLLY BOVE LODGE & HUTZ LLP

Michael G. Verga, Esq.

PHONE: (202) 331-7111

Attorney Dkt. #: 22409-00382-US

FAX RECEIVED

NOV -5 2008

PAGES (Including Cover Sheet): 3

CONTENTS:

- Request Under 37 CFR 1.28(c) (1 page)
- Certificate of Fax Transmission (1 page)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (202) 331-7111 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, N.W., Suite 1100, Washington, D.C. 20006
Telephone: (202) 331-7111 Facsimile: (202) 293-6229

#74625

Application No. (if known): 08/938,533

Attorney Docket No.: 22409-00382-US

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on November 5, 2008
Date

FAX RECEIVED
NOV -5 2008

/Michael G. Verga/

Signature

Michael G. Verga

Typed or printed name of person signing Certificate

38,410

Registration Number, if applicable

(202) 331-7111

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

- Request Under 37 CFR 1.28(c) (1 page)

#74625

CORRECTION TO SMALL ENTITY STATUS AND DEFICIENCY PAYMENT (37 CFR § 1.28(c))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attorney Docket No.	22409-00382-US
First Inventor Name	MULLER, Gerd M.
Patent Number	7,226,406
Issued Date	June 5, 2007
Application Number	09/938,533
Filed Date	August 27, 2001

Title	AT LEAST PARTIALLY IMPLANTABLE HEARING SYSTEM
-------	---

FAX RECEIVED

NOV - 5 2008

REQUEST FOR CORRECTION TO SMALL ENTITY STATUS

Small entity status was established in good faith in the above-identified application or patent, and fees as a small entity were paid in good faith, and it was later discovered that such status as a small entity was established in error, or that through error the Office was not notified of a loss of entitlement to small entity status as required by § 1.27(g)(2), the undersigned requests that the error be excused by correcting the small entity status from small entity to large entity and submits the following deficiency payment.

CALCULATION OF DEFICIENCY PAYMENT

	Type of fee erroneously paid as a small entity	Amount Paid	Date of Payment	Current Large Entity Fee	Deficiency Amount Owed
1.	Utility Filing Fee	\$ 355.00	August 27, 2001	\$ 650.00	\$ 495.00
2.	Extra Claim Fees	\$9 per claim 1 extra claim	August 27, 2001	\$52 per claim 1 extra claim	\$43 per claim x 1 claim=\$43
3.					
4.					
5.					
Total					\$538.00

METHOD OF PAYMENT

Enclosed herein is payment of the deficiency payment shown above for the above-identified application or patent.

- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication, any deficiency in payment of the required fees, including fees under 37 C.F.R. §§ 1.16, 1.17, and 1.20 or credit any overpayment to Deposit Account No. 22-0185.
- ☐ Other _____

SIGNATURE/CORRESPONDENCE

I am the:

- ☒ Registered attorney/agent of record ☐ New Power of Attorney Attached
☐ Registered attorney/agent not of record acting as a representative
☐ An assignee as provided for under § 3.71(b)
☐ All applications/inventors

Name	Michael G. Verga	Registration No. (Attorney/Agent)	39,410
Signature	/Michael G. Verga/	Date	November 5, 2008
<input checked="" type="checkbox"/> Customer Number 22-0185		<input type="checkbox"/> OR <input type="checkbox"/> Correspondence address below	
Firm/Organization	Connolly Bove Lodge & Hutz LLP		
Address	1875 Eye Street, N.W. Suite 1100		
City	Washington	State	D.C.
Country	USA	Zip Code	20006
	Telephone	202-331-7111	Fax 202-293-6229

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.8(a)(4).

Dated: November 5, 2008
Electronic Signature for Michael G. Verga: /Michael G. Verga/